

ENTERED

March 14, 2019

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CRIMINAL NO. 2:19-CR-05-1
	§	
ERIC RICHARD GARZA	§	

MEMORANDUM OPINION AND ORDER OF DETENTION PENDING TRIAL

A detention hearing has been held in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f). The following requires detention of the Defendant pending trial in this case:

(1) There is probable cause to believe the Defendant committed an offense for which a maximum term of imprisonment of ten years or more is prescribed in 18 U.S.C. Section 924(c); and


(2) The Defendant has not rebutted the presumption that no condition or combination of conditions will reasonably assure the appearance of the Defendant as required and the safety of the community.

The evidence against the Defendant meets the probable cause standard. The findings and conclusions contained in the Pretrial Services Report are adopted. The Defendant has not rebutted the presumption that there are no conditions or combination of conditions to secure the appearance of the Defendant or the safety of the community. The Defendant has a significant criminal history and when on probation for felony charges, the probation has been revoked numerous times for failure to comply, reflecting that the Defendant is either unable or unwilling to comply with conditions of release. In

the instant offense, while it was the co-defendant who possessed the firearm, it was Defendant Garza who ordered that the co-defendant shoot the business owner who was refusing to hand over any cash. It appears that witnesses to this offense may be in danger as well. The Defendant is a poor bond risk.

The Defendant is committed to the custody of the United States Marshal or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 14th day of March, 2019.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE